IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9081 OF 2003

Shri Bhalchandra D. Vagal
since deceased through his LRs
Pramila Bhalchandra Vagal
and ors. .. Petitioners

Vs.

Smt. Manjula Dwarakanath Bhagat
and ors. .. Respondents

Mr.S.J. Kadam for petitioners.
Mr.Parab h/f Mr. D.S. Sawant for respondent nos.1 to 5.

CORAM: B.H. MARLAPALLE, J.

Date : June 20, 2006.

P.C.:

1. Heard Mr. Kadam the learned counsel for the petitioners who have assailed the order passed by the Maharashtra Revenue Tribunal on 3/5/2002 dismissing Revision Application No.89 of 1997. By the impugned order, the orders passed in Appeal Nos.8 and 9 of 1995 by the SDO were confirmed.

2. The SDO had recognized the status of the

respondents as the statutory tenants and they were deemed purchasers under Section 32-G of the Bombay Tenancy and Agricultural Lands Act, 1948.

3. Though the original petitioner i.e. Sadanand Dinanath Vagal had purchased the land by a sale deed dated 8/2/1945, the tenants continued to cultivate the land even after the said sale deed and they were so cultivating on the tiller’s day i.e. 1/4/1957 and, therefore, it was not permissible for the petitioners, the LRs of Bhalchandra Dinanath Vagal (landlords) to claim the possession of the suit land by challenging the impugned order.

4. Petition is, therefore, rejected summarily.

(B.H. Marlapalle,J.)